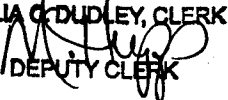


APR 22 2014

JULIA C. DUDLEY, CLERK
BY: 
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

UNITED STATES OF AMERICA)	Criminal Action No. 4:12-cr-00007-1
)	
v.)	<u>ORDER</u>
)	
RAPHAEL LAMAR PRICE,)	By: Hon. Jackson L. Kiser
Defendant.)	Senior United States District Judge

Presently before me is defendant Raphael Lamar Price's pro se motion for a nunc pro tunc amendment to the Judgment entered on August 28, 2012, that sentenced Price to, inter alia, 108 months' incarceration and recommended to the Bureau of Prisons ("BOP") that Price participate in a residential drug treatment program. Price complains that the BOP is not crediting to his federal sentence the time he spent in custody between January 14, 2012, when state officials arrested him, and October 16, 2013, when Price was placed in federal custody.¹ Consequently, Price asks me to "correct" the judgment by amending the 108-month sentence to an 88-month sentence.

Price's motion is **DENIED** for lack of jurisdiction. I may not make the fundamental change Price seeks via Rule 35(a) or Rule 36 of the Federal Rules of Criminal Procedure, and the law does not permit me to vacate the judgment and resentence Price as he requests. See 18 U.S.C. § 3582(c); cf. 28 U.S.C. § 2255. If Price seeks to have the BOP retroactively designate a state facility as the place for serving a federal sentence, he may make such a request to the BOP, pursuant to 18 U.S.C. § 3621(b). If Price seeks to challenge the BOP's computation of his sentence, he may file a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2241.

¹ Price also complains that the Commonwealth of Virginia lodged a detainer with the BOP to transfer Price to state custody after he completes his federal sentence and that the detainer prevents his participation in a BOP residential drug treatment program.

The Clerk shall send copies of this Order to Price and counsel of record for the United States.

It is so **ORDERED**.

ENTER: This 22nd day of April, 2014.


Senior United States District Judge